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**OFFICE OF PETITIONS**

In re Application of  
Green et al  
Application No. 10/776,209  
Filed: February 12, 2004  
Attorney Docket No. PDI-40

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(d)

This is a decision on the Request for Renewed Petition to Make Special under 37 CFR 1.102(d), filed February 8, 2007, to make the above-identified application special based on prospective manufacture as set forth in M.P.E.P. Section 708.02, Section I, and on (b) Infringement as set forth in M.P.E.P Section 708.02, Section II.

Based on prospective manufacture, 37 CFR 102(d), as set forth in M.P.E.P. Section I, the petition is **GRANTED**.

The request under 37 CFR 102(d), as set forth in M.P.E.P 708.02, Section II, is rendered moot.

A grantable petition to make an application special under 37 CFR 1.102(d), MPEP § 708.02, Section I: Manufacture, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging:

- (A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted; If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;
- (B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;
- (C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity

immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and

(D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

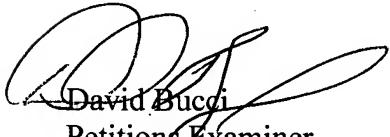
Additionally, Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition is accompanied by a declaration by Peter J. Gluck, Reg. No. 38,022, and complies with the above stated requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Thurman K. Page at 571-272-0602.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1623 for action on the merits commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions